



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

March 16, 2018

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on March 16, 2018:

HB 2013 trust companies; liquid capital; definition (Finchem)  
HB 2019 civil rights advisory board; continuation (Kern)  
HB 2025 workers' compensation; rate deviations (Livingston)  
HB 2026 county school superintendent; services; entities (Boyer)  
HB 2043 occupational therapy board; continuation (Carter)  
HB 2061 financial institutions department; superintendent duties (Shope)  
HB 2079 single axle tow dolly; definition (Shope)  
HB 2098 insurance; inducements (Livingston)  
HB 2115 bonds; ballot language; procedures (Mitchell)  
HB 2150 manufactured home sales; licensure; exemption (Weninger)  
HB 2178 secretary of state; notary public (Coleman)  
HB 2278 child support rights transfer (Cobb)  
HB 2317 disability plates; permanent placards (John)  
HB 2413 public road maintenance; primitive designation (Cook)  
HB 2484 local food tax; equality (Shope)  
SB 1038 state land sales; payment method (Griffin)  
SB 1042 backflow prevention; state fire code (Kavanagh)  
SB 1057 county school superintendent; report; approval (Burgess)  
SB 1072 DCS; contractor employees; fingerprint requirement (Brophy McGee)

SB 1076 assault; public safety contractors; workers (Barto)  
SB 1082 full-day kindergarten; instruction requirements (Allen, S.)  
SB 1089 purple heart day (Borrelli)  
SB 1205 unemployment insurance; educational employers; interest (Fann)  
SB 1207 lease authority; airports; air terminals (Pratt)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large, prominent initial "D".

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 16**

# **HOUSE BILL 2413**

AN ACT

AMENDING SECTIONS 28-6705 AND 28-6706, ARIZONA REVISED STATUTES; RELATING TO COUNTY HIGHWAYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-6705, Arizona Revised Statutes, is amended to  
3 read:

4 28-6705. Public road and street maintenance

5 A. The board of supervisors may spend public monies for maintenance  
6 of public roads and streets other than legally designated state and county  
7 highways located without the limits of an incorporated city or  
8 town. Before spending public monies under this section, the roads or  
9 streets shall be ~~both~~ EITHER:

10 1. Laid out, opened and constructed IN ACCORDANCE WITH STANDARD  
11 ENGINEERING ROAD SPECIFICATIONS ADOPTED BY THE BOARD OF SUPERVISORS  
12 without cost to the county.

13 2. Completed pursuant to a plat THAT IS approved pursuant to  
14 sections 11-802 and 11-822 ~~and in accordance with standard engineering~~  
15 ~~road specifications adopted by the board of supervisors to ensure uniform~~  
16 ~~compliance.~~

17 B. The board of supervisors may spend public monies for maintenance  
18 of public roads and streets that were laid out, constructed and opened  
19 before June 13, 1990, ~~or that have been designated as primitive roads~~  
20 ~~pursuant to section 28-6706, subsection D,~~ even if the roads and streets  
21 were not constructed in accordance with subsection A of this section.

22 C. Maintenance of a public road or street does not include  
23 purchasing or laying cement. To reduce long-term maintenance costs for  
24 maintenance authorized by this section, the board of supervisors may spend  
25 monies to add rock products, gravel and processed materials to the base of  
26 the roads and streets. Petroleum based or nonpetroleum based products may  
27 be used in the maintenance and repair of unpaved roads, alleys and  
28 shoulders identified pursuant to section 9-500.04 or 49-474.01 or unpaved  
29 roads, alleys and shoulders in any county where the control officer as  
30 defined in section 49-471 certifies to the board of supervisors that  
31 emissions from such roads, alleys or shoulders may endanger compliance  
32 with the national ambient air quality standard as defined in section  
33 49-401.01.

34 Sec. 2. Section 28-6706, Arizona Revised Statutes, is amended to  
35 read:

36 28-6706. Primitive roads

37 A. The board of supervisors or the governing body of a city or town  
38 may designate a public road within its jurisdiction as a primitive road as  
39 prescribed in this section.

40 B. Neither a county, city or town nor its employees are liable for  
41 damages or injuries resulting from the use of a primitive road designated  
42 under this section except for intentional injuries or gross negligence  
43 caused by an employee acting within the scope of the employee's  
44 employment.

1           C. ~~Except as provided in subsection D,~~ The board of supervisors or  
2 the governing body of a city or town shall not designate a road as a  
3 primitive road unless it was opened before June 13, ~~1975~~ 1990 and was not  
4 constructed in accordance with county standards.

5           ~~D. The board of supervisors or the governing body of a city or town~~  
6 ~~may designate a road as a primitive road if all of the following apply:~~

7           ~~1. The road was opened after June 13, 1975.~~

8           ~~2. The road was accepted for maintenance by the board of~~  
9 ~~supervisors or the governing body of a city or town before June 13, 1985.~~

10           ~~3. The road was not constructed in accordance with county~~  
11 ~~standards.~~

12           ~~E.~~ D. The county, city or town shall place signs on every road  
13 designated as a primitive road in locations adequate to warn the  
14 public. These signs shall state "Primitive road, caution, use at your own  
15 risk. This surface is not regularly maintained."

16           ~~F.~~ E. A board of supervisors or the governing body of a city or  
17 town shall not designate a state or county highway as a primitive road.

**APPROVED BY THE GOVERNOR MARCH 16, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 16, 2018**

Passed the House February 8, 20 18

Passed the Senate March 14, 20 18

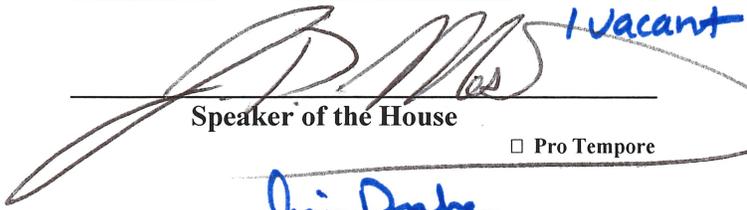
by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

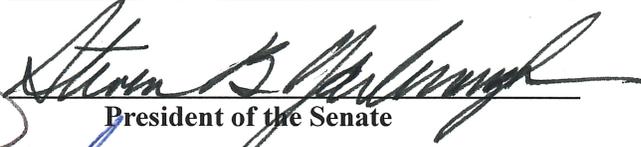
1 Nays, 0 Not Voting

1 vacant

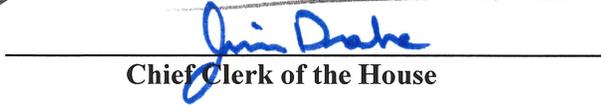


Speaker of the House

Pro Tempore



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15<sup>th</sup> day of March, 20 18

at 8:59 o'clock A. M.

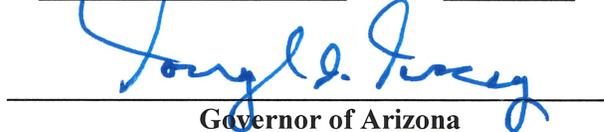


Secretary to the Governor

Approved this 16<sup>th</sup> day of

March 2018

at 9:22 o'clock A. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 16<sup>th</sup> day of March, 20 18

at 12:19 o'clock P M.



Secretary of State

H.B. 2413